

apple juice and other processed foods, the studies show alar breaks down into nitrosamines—a highly potent carcinogen according to all mainstream, responsible science.

Indeed EPA staff had been pressing to ban alar since 1985, under the Reagan administration, because of the scientific evidence. Massachusetts and New York had already banned alar long before the NRDC report, and the American Academy of Pediatrics had urged such a ban at the Federal level.

Final vindication came in 1993 when the National Academy of Sciences released a landmark report affirming the basic premise of NRDC's study—that infants and young children are more susceptible to cancer causing agents in food. Yet to date no Federal exposure standards have been recalculated to compensate for the increased sensitivity of children.

Said the chairman of the National Academy of Sciences report, Dr. Philip Landrigan, "NRDC was absolutely on the right track when they excoriated the regulatory agencies for having allowed a toxic material such as alar to stay on the market for 25 years."

Meanwhile, the apple industry has prospered without alar, earning record revenues. The banning of this chemical based on real, sound, mainstream, nonideological science in the long run hurt this industry not one bit.

By distorting the facts and blurring the real issues, I'm afraid some of my colleagues aim to condition the public to reject future reports of pesticides hazards as invalid, as another alar. Yet the record proves alar was dangerous to children, and the Republican administration of George Bush was absolutely correct to remove it from all foods altogether.

**JACK SCARANGELLA: A PUBLIC SERVANT WHO WENT THE EXTRA MILE**

### **HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to Jack Scarangella—a resident of the 18th Congressional District of New York—for his enduring commitment to our Nation's senior citizens, and for his extraordinary service to the best traditions of public leadership. On January 20, Jack Scarangella retired as the District Manager of the Social Security Administration for the New Rochelle, NY area, which I proudly represent. Jack has dedicated the last 46 years of his life to Government service, overseeing tens of thousands of Social Security claims each year. He began his career with Social Security as a claims examiner in 1951, and 5 years later became the New Rochelle District Manager, a post he then held until the day he retired.

Jack's inspired leadership, creative decision making, and insistence on reevaluating the way the Social Security Administration conducts business have improved the efficiency of the Social Security Administration and helped enhance service to Social Security beneficiaries. He has been recognized for the improvements in operational procedures he has helped implement over the years through the receipt of numerous awards for performance

and service. The fact that Jack received another such award just last year is testament to the fact that he was as ambitious and dedicated at the end of his career as he was when he first joined the Social Security Administration almost five decades earlier.

Jack was not content to help only those recipients who came through his doors or whose problems crossed his desk. That is why he enlisted the support of prominent citizens and local celebrities in information campaigns, hosted a weekly radio show on WVOX featuring questions and answers on topical agency issues, and hosted a community access show on TCI cable. Initiatives and public forums such as these have allowed Jack to expand public knowledge and, in turn, assist countless older Americans and their families with the Social Security system.

Mr. Speaker, these years of service alone would have been enough to merit recognition. Jack Scarangella, however, has been more than a dedicated worker. Jack has felt committed to his entire community, not just those in need of assistance with Social Security. He has been active in civic life through his work with Westchester 2000, the Chamber of Commerce, the Boys' and Girls' Club, the American Heart Association, Legal Awareness of Westchester, and several other local service organizations. I am confident that his service will continue for years to come.

Mr. Speaker, on behalf of the friends, colleagues, admirers, and family of Jack Scarangella, I hereby express heartfelt appreciation for his years of service and recognize the joyous occasion of his retirement.

### **IN RECOGNITION OF DR. MIKE MOSES**

### **HON. LARRY COMBEST**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mr. COMBEST. Mr. Speaker, I rise today to pay tribute to a man who has for many years devoted himself and his talents to the community of Lubbock, TX. Dr. Mike Moses is now in his sixth year as superintendent of the Lubbock Independent School District.

Recently, Dr. Moses was selected by Governor George W. Bush to become the State commissioner of education. This prestigious appointment is certainly deserved by Dr. Moses for his efforts, not the least of which is that his management expertise and business abilities kept LISD financially viable after he inherited an almost bankrupt district in 1989.

Dr. Moses was named "Educator of the Month" in the July/August 1994 issue of Texas School Business. In the summer of 1993 he served as a member of the Select Committee for Sunset of Texas Education Agency, and was awarded the first ever "Good Scout Award" in December, 1993.

In addition to his tireless efforts to strive for better educational opportunities for our young people, he is a Rotarian and a member of the First United Methodist Church. He is also involved in the chamber of commerce, Boy Scouts, and United Way.

Mr. Speaker, it is a honor for me to recognize such an involved and devoted citizen of west Texas. I salute Dr. Mike Moses for willingness to freely give of his own time, energy,

and talents. He has positively affected the lives of many in Lubbock, TX, and has dedicated himself and his life to a better education for our young people.

### **LIABILITY LAW REFORM**

### **HON. BRIAN P. BILBRAY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mr. BILBRAY. Mr. Speaker, I submit the following article from the Washington Post because it encapsulates a unique perspective that I believe I bring to the debate we are having today on product liability reform.

[From the Washington Post, Mar. 7, 1995]

**GETTING PERSONAL ON PRODUCT LIABILITY—TWO LAWMAKERS' OPPOSING VIEWS STEM FROM THEIR OWN PAINFUL EXPERIENCES**

(By Caroline E. Mayer)

To Rep. Brian P. Bilbray (R-Calif.), product liability legislation is "a personal blood and guts issue"—a measure needed to protect women and children who otherwise wouldn't be able to get the drugs they need.

"It's actual flesh and blood that we're talking about," said the freshman lawmaker, who saw his wife go into shock during a pregnancy 10 years ago because a drug she needed to help her deal with severe morning sickness had been pulled off the market by its manufacturer for fear of product liability suits.

But to Rep. Patsy T. Mink (D-Hawaii), legislative efforts to make it harder to sue for damages from defective products is "a great offense" to women and children, especially DES mothers—among them herself—who, by taking a drug thought to prevent miscarriages, exposed her child to a greater risk of cancer.

"Having had the personal experience, I want to make sure the people who are voting for the bill will understand that justice is being thwarted for millions of Americans," said Mink, who collected a \$250,000 settlement from a lawsuit over the medication.

It should be no surprise that these two lawmakers—on different sides of the political aisle—have divergent views about the product liability legislation before the House this week. But it is the personal experience and intensity each brings to the debate that makes their positions stand out in the battle to overhaul the nation's tort laws.

Mink's vociferous opposition stems from her use of DES, diethylstilbestrol, when she was pregnant 43 years ago. "Knowing the agonies that women in other kinds of product liability lawsuits went through, I have a special responsibility to speak out," she said.

Approved by the Food and Drug Administration in 1947 to prevent miscarriages, DES was discovered, decades later, to cause significant damage to the babies born to mothers who used DES. In some cases, DES children have severely deformed sexual organs, cannot have children, have impaired immune systems or a high risk of developing a rare form of cancer.

Mink was given DES as part of an experiment testing the drug's effectiveness, but did not know it until 25 years later, when she received a "blunt letter" from the university where she had been treated. The university asked if she or her daughter had developed cancer.

Mink sued the university and company that supplied the DES, winning a \$250,000 settlement. In addition, the university promised to care for all DES daughters of mothers

it treated at no cost if the daughters developed a certain type of cancer of the vagina or cervix at any time before they are 70.

"Under the legislation under consideration, it is unlikely that any DES mother or child would have been able to recover any damages," Mink said.

Bilbray has not been as eager to discuss his experience. "It's not something I prefer to talk about," he said after a House Commerce Committee meeting last month. But that's what Bilbray did when the committee drafted its version of the product liability bill.

"Women and children are dying as a result of existing laws," Bilbray told his colleagues at the drafting session. "Products that are needed are being pulled off the shelves because of lawsuits." Some people may think lawsuits may make all the pain better, he said. But, he added, "please do not think there's any amount of money that's ever going to pay a parent back by never being able to hug their child."

"Listening to all these members stand up and talk about how consumer products have done all these terrible things, it was like a knife cutting into me \* \* \* Sometimes you just have to stand up and scream," he said in an interview afterward.

#### KEY FACETS OF THE LEGISLATION

Product liability legislation to be considered by the House would:

Preempt state laws and set a national standard for product liability lawsuits.

Bar any lawsuit for damage incurred from products more than 15 years old unless they cause a chronic illness, such as cancer caused by asbestos or DES.

Limit punitive damages to the greater of \$250,000 or three times the economic damages.

Require "clear and convincing evidence" that a manufacturer either intended to cause harm or acted with conscious, flagrant indifference for punitive damages.

Bar damages if the person bringing the suit was intoxicated or under the influence of drugs when the harm occurred and if alcohol or drug use was the principal cause of the accident.

Make retailers liable only if they engaged in intentional wrongdoing, negligence or if the product failed to comply with an express warranty made by the retailer. The retailer also would be liable if the manufacturer went bankrupt or could not be sued in the claimant's state.

Sanction attorneys for filing frivolous pleadings in product liability actions.

Separate legislation would require the loser of any lawsuit to pay the winner's legal costs if the loser rejected a settlement before the jury verdict. Even if a jury found in favor of the person bringing the suit, that person could still be required to pay the other side's legal fees if the jury award is less than a rejected settlement.

Ten years ago, Bilbray's wife had to go into the intensive care unit "when she couldn't get access to the drug she desperately need," he said.

In three earlier pregnancies in a previous marriage, Karen Bilbray had taken a drug called Bendectin to control severe morning sickness. But in 1984, when she was pregnant with Bilbray's child, Bendectin was no longer available.

The manufacturer, Merrell Dow Pharmaceuticals Inc., had removed the drug from the market after several women successfully sued the company, alleging that the drug produced birth deformities. Even though scientific data never proved it was harmful, Merrell stopped selling the drug.

"My wife was not allowed to make a decision on what she wanted to put into her body; it was made by a lawyer suing, maybe

well-intentioned but misguided and very critical to her well-being," Bilbray said.

Without Bendectin, Bilbray's wife became so sick she went into shock, he said. "If it wasn't for a doctor willing to take the risk [and give her some Bendectin], I probably would have lost her." A son, Brian, was born several months later, to live only three months before he died of crib death. Bilbray is convinced that the trauma of his wife's first three months of pregnancy contributed to the child's death.

"People are going to suffer no matter what you do" to reform the civil justice system, Bilbray said. But Congress "needs to be more sensitive to the damage that these lawsuits create by denying benefits" to people who may need them.

#### PERSONAL EXPLANATION

##### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mr. ABERCROMBIE. Mr. Speaker, on Wednesday, March 8, 1995, I was meeting with a group of high school students—who traveled to Washington, DC, from the State of Hawaii—in a part of the Capitol where the voting bells could not be heard and missed roll-call vote No. 210. I want the RECORD to show that had I been present I would have voted "nay" on rollcall vote No. 210, the Cox substitute amendment to the Eshoo amendment.

#### TRIBUTE TO WILLIAM MEEHAN

##### HON. ROBERT T. MATSUI

OF CALIFORNIA

##### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mr. MATSUI. Mr. Speaker, we rise today to pay tribute to Mr. William Meehan, a native Californian who has devoted his professional career to the preservation and growth of labor's health in this great State.

In the many years Mr. Meehan has been a major force in the labor realm, both of our offices have relied on his expertise and counsel. We join with the scores of colleagues who salute the outstanding leadership you have given to the Sacramento-Sierra's Building and Construction Trades Council and to the Sacramento Central Labor Council.

In an era of shrinking resources, Mr. Meehan has been one of Sacramento's great defenders, ensuring jobs for thousands of men and women throughout the region.

Not only has Mr. Meehan been an outstanding defender of the labor force, but we would be remiss in not commending his steadfast support of this entire community. The list of political, charitable, and labor related organizations with which he has aligned himself reflects the great character all leaders strive to achieve. An abbreviated list of organizations who are indebted to his leadership and hard work include the Greater Sacramento Area Plan, Labor and Business Alliance, Sacramento Water Intelligently Managed, Private Industry Council, Auburn Dam Council, Friends of Light Rail, American Red Cross,

Sacramento Employment Training Agency, Harps, National Toxics Coalition, United Way, Hundred Dollar Club, Sacramento Metropolitan Chamber of Commerce, and the Sacramento Fire Board.

Truly, Sacramento is a better place to work and live thanks to what we hope is only the first half of Mr. Meehan's career. As he begins to undertake his latest challenge for the Painter's International, we ask our colleagues to join us in wishing him continued happiness and success.

#### HOPALONG CASSIDY FAN CLUB PROCLAMATION—THE CITY OF CAMBRIDGE IN THE STATE OF OHIO

##### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 9, 1995*

Mr. NEY. Mr. Speaker, I submit the following proclamation from the city of Cambridge in the State of Ohio.

Whereas, the Hopalong Cassidy Fan Club has contributed untold volunteer hours in building character, citizenship, and leadership in this community; and,

Whereas, the Hopalong Cassidy Fan Club is celebrating the 100th birthday of Hopalong Cassidy on June 5, 1995; and,

Whereas, members have made in kind contributions of service, financial contribution to the Cambridge area, contribution to the Park School, and to other important needs of the community; and,

Whereas, the local Hopalong Cassidy Fan Club has extended the interest of Hopalong Cassidy within this community; and,

Whereas, the members of schools, churches, service clubs, union organizations, and others have been members of the Hopalong Cassidy Fan Club; and,

Whereas, the city of Cambridge and all the surrounding areas of Ohio are better places to live because of Cambridge's Hopalong Cassidy Fan Club, we join in the celebration of the 100th birthday of Hopalong Cassidy on the fifth day of June in 1995.

#### SECURITIES LITIGATION REFORM ACT

SPEECH OF

##### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 8, 1995*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

Mr. LaFALCE. Mr. Chairman, I rise today to state my reluctant opposition to this bill, for I had hoped it would be adequately amended so that I could support it. Instead, I must comment on several serious issues that yet remain to be addressed with this legislation.

This week's so-called tort reform legislation consists of three bills, addressing in turn civil litigation, securities litigation, and product liability. In each case, I believe the proponents of the bill have recognized a real problem, but have attempted to write into law remedies that